

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 591 - SB 782**

March 30, 2009

**SUMMARY OF BILL:** Deletes the offense of interception of cellular or cordless telephone transmissions. Violation is a Class A misdemeanor. It is a Class E felony if a person knowingly publishes, distributes, or otherwise disseminates the intercepted or recorded communication to another. Redefines "electronic communication" and "wire communication."

**ESTIMATED FISCAL IMPACT:**

**Decrease State Revenue – Not Significant**

**Decrease State Expenditures – \$7,100/Incarceration\***

**Decrease Local Revenue – Not Significant**

**Decrease Local Expenditures – Not Significant**

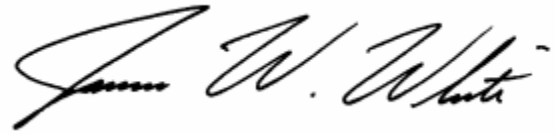
Assumptions:

- Deleting the Class E felony for a person knowingly to publish or distribute an intercepted or recorded communication will result in a decrease in incarceration costs. There will be one person every five years who will not be incarcerated as a result of this bill. According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2009 is \$59.80 and the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). One offender every five years will not be incarcerated for this offense. The annualized time served per offense is 118.89 days (0.20 annual number of convictions x 594.45 days). The annualized cost savings per conviction is \$7,109.62 (\$59.80 x 118.89 days).
- A small decrease in cases in the court system, which will result in reduced local government expenditures for processing the cases and reduced state and local government revenue from fees, taxes and costs collected. These reduced expenditures and revenue are estimated to be not significant.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc